BORA LASKIN LAW LIBRARY
3 1761 10083854 9

TORTS

Volume 1

1988-89

Professor E.J. Weinrib

FACULTY OF LAW

UNIVERSITY OF TORONTO

Storage
KF
1249
W35
1988
v.1

LAW LIBRARY

OCT 3 1988

FACULTY OF LAW
UNIVERSITY OF TORONTO

FACULTY OF LAW LIBRARY
UNIVERSITY OF TORONTO

TORTS

Volume 1

1988-89

Professor E.J. Weinrib

FACULTY OF LAW

UNIVERSITY OF TORONTO

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/torts01wein_7

TABLE OF CONTENTS

PAGE

I. NUISANCE

Appleby v. Erie Tobacco Co. ..... I - 4

Rodgers v. Elliott ..... I - 9

Aldred's Case ..... I - 12

Holmes, Privilege, Malice and Intent ..... I - 13

Fountainbleau Hotel Corp. v. Forty-Five-Twenty-Five Inc. .... I - 16

Epstein, Nuisance Law: Corrective Justice and Its Utilitarian Constraints ..... I - 20

T.H. Critelli Ltd. v. Lincoln Trust & Savings Co. ..... I - 25

* Nor-Video Services Ltd. v. Ontario Hydro ..... I - 28
* Shuttleworth v. Vancouver Hospital ..... I - 29
* Laws v. Florinplace Ltd. ..... I - 29
* The Mayor etc. of Bradford v. Pickles ..... I - 30
* Hollywood Silver Fox Farm Ltd. v. Emmett ..... I - 31
* Noyes v. Huron & Erie Mortgage Corporation ..... I - 31
* Amphitheatres Inc. v. Portland Meadows ..... I - 32

Bamford v. Turnley ..... I - 33

Miller v. Jackson ..... I - 35

* Kennaway v. Thompson ..... I - 42

Sturges v. Bridgman ..... I - 43

Coase, The Problem of Social Cost ..... I - 47

Atiyah, Accidents, Compensation, and the Law ..... I - 50

Epstein, A Theory of Strict Liability ..... I - 51

Shelfer v. City of London Electric Lighting Co. ..... I - 53

Canada Paper Company v. Brown ..... I - 55

Black v. Canadian Copper Co. ..... I - 59

Boomer v. Atlantic Cement Co. ..... I - 60

The K.V.P. Co. Ltd. Saga: K.V.P. Co. Ltd. v. McKie ..... I - 61

Stephens v. Village of Richmond Hill ..... I - 64

Spur Industries v. Del E. Webb Development Co. ..... I - 66

Spur Feeding Co. v. Superior Court of Maricopa City ..... I - 75

Note on Public Nuisance ..... I - 79

Supplementary Reading ..... I - 82

II. **NEGLIGENCE: THE STANDARD OF CARE**

1. The Objective Standard

Vaughan v. Menlove ..... II - 1

Holmes, The Common Law ..... II - 3

* Buckley v. Smith Transport Ltd. ..... II - 11

Roberts v. Ramsbottom ..... II - 12

Fleming, The Law of Torts ..... II - 16

Bolton v. Stone ..... II - 24

Overseas Tankship (U.K. Ltd. v. The Miller Steamship Co. Pty II - 27

Watt v. Hertfordshire County Council ..... II - 29

Posner, A Theory of Negligence ..... II - 31

Epstein, A Theory of Strict Liability ..... II - 35

Epstein, Modern Products Liability Law ..... II - 41

Weinrib, Toward a Moral Theory of Negligence Law ..... II - 42

The T.J. Hooper ..... II - 56

Ware's Taxi Ltd. v. Gilliham ..... II - 58

Weiler, Groping Towards a Canadian Tort Law: The Role of the Supreme Court of Canada ..... II - 62

Vancouver General Hospital v. McDaniel et al. ..... II - 65

* Bolam v. Friern Hospital Management Committee ..... II - 67
* Wilson v. Swanson ..... II - 67
* Hunter v. Hanley ..... II - 68
* Anderson v. Chasney ..... II - 68

Prichard, Professional Civil Liability and Continuing Competence ..... II - 69

2. **Proof of Negligence**

Prosser, The Law of Torts ..... II - 71

Baker v. Market Harborough Industrial Cooperative Society Ltd. II - 77

Byrne v. Boadle ..... II - 78

Schiff, A Res Ipsa Loquitur Nutshell ..... II - 80

Ybarra v. Spangard et al. ..... II - 84

Anderson v. Somberg ..... II - 87

Supplementary Reading ..... II - 93